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Attorneys for Plaintiffs
MONICA HUJAZI

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
UNLIMITED JURISDICTION**

MONICA H. HUJAZI,
Debtor

JANINA M. HOSKINS, Trustee,
Plaintiff,

V.

MONICA HUJAZI,
Defendant.

**Case No. 13-30477-HLB
CHAPTER 7**

Hon. Hannah L. Bluemenstiel

Adversary Case No. 17-03087

**DEBTOR MONICA HUJAZI'S
RESPONSE TO COMPLAINT FOR
DENIAL OF DISCHARGE.**

Defendant Monica Hujazi responds to the adversary complaint of Janina M.
Hoskins as follows:

1. No response required
2. Admitted.
3. Admitted. **Responding party also consents to the court issuing a final**
4. **decision in this matter.**
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Responding party lacks sufficient information to admit or deny this
9. allegation, and on that basis, denies the allegations.
10. Responding party lacks sufficient information to admit or deny this
11. allegation, and on that basis, denies the allegations.
12. Responding party lacks sufficient information to admit or deny this
13. allegation, and on that basis, denies the allegations.
14. Responding party lacks sufficient information to admit or deny this
15. allegation, and on that basis, denies the allegations.
16. Denied.
17. Denied.
18. Denied.
19. Denied.

1 16. Denied.

2 17. Responding party lacks sufficient information to admit or deny this
3 allegation, and on that basis, denies the allegations.

4 18. Responding party lacks sufficient information to admit or deny this
5 allegation, and on that basis, denies the allegations.

6 19. Responding party lacks sufficient information to admit or deny this
7 allegation, and on that basis, denies the allegations.

8 20. Responding party lacks sufficient information to admit or deny this
9 allegation, and on that basis, denies the allegations.

10 21. Denied.

11 22. Denied.

12 23. Responding party lacks sufficient information to admit or deny this
13 allegation, and on that basis, denies the allegations.

14 24. No response required.

15 25. Denied.

16 26. Denied.

17 **FIRST AFFIRMATIVE DEFENSE**
18 (Failure to State a Claim)

19 1. Each and every cause of action fails to state a claim upon which relief may be
20 granted against Defendant.

21 **SECOND**

22 Answer to Adversary Complaint

AFFIRMATIVE DEFENSE

(Estoppel)

2. By its conduct, Complainant is estopped from asserting any of the causes of action alleged in the Complaint against this answering defendant.

THIRD AFFIRMATIVE DEFENSE

(Waiver)

3. By its conduct, Complainant has waived each and every cause of action alleged in the Complaint against this answering defendant.

FOURTH AFFIRMATIVE DEFENSE

(Mitigation)

4. Complainant failed to exercise reasonable care and diligence to mitigate any and all alleged damages.

FIFTH AFFIRMATIVE DEFENSE

(No Injury or Damages)

5. Each and every cause of action alleged in the Complaint is barred because Complainant sustained no injury or damage.

SIXTH AFFIRMATIVE DEFENSE

(Unclean Hands)

6. Each and every cause of action alleged in the Complaint is barred by the doctrine of unclean hands.

1 **SEVENTH AFFIRMATIVE DEFENSE**
2 **(Fraud)**

3 7. Complainant is barred from recovery by virtue of commission of fraud in their
4 dealings with Defendant related to the issues raised herein.

5 **EIGHTH AFFIRMATIVE DEFENSE**
6 **(Statutes of Limitation)**

7 8. That Complainant's claims against Defendant are barred by the applicable
8 Statutes of Limitation.

9 **NINTH AFFIRMATIVE DEFENSE**
10 **(Laches)**

11 9. Complainant is barred from recovery by the doctrine of laches.

12 **TENTH AFFIRMATIVE DEFENSE**
13 **(Lack of Jurisdiction)**

14 10. Complainant cannot recover any funds from debtor because the death of
15 the testator which granted the property occurred post bankruptcy filing.

16 **ELEVENTH AFFIRMATIVE DEFENSE**
17 **(Res Judicata/Collateral Estoppel)**

18 11. Complainant cannot recover any funds from Debtor because this issue,
19 having already been litigated by creditors, has already been determined that the
20 trust property is not the property of the bankruptcy estate.

21 WHEREFORE, these Defendants pray for judgment as follows:

- 22 1. That Complainant takes nothing on his Complaint;
23 2. That these Defendants recover their fees and costs of suit; and
24 25 26

3. For such other and further relief as the Court deems just and proper.

Dated: January 29, 2018,

LAW OFFICES OF PETER H. BONIS

_____/s/_____
Peter H. Bonis